

Regular Meeting of Tuesday, October 09, 2007

City Council Chambers, One Twin Pines Lane, and 3570 Las Vegas Boulevard Las Vegas, Nevada (teleconference location of Councilmember Lieberman)

SPECIAL MEETINGS

CLOSED SESSION - 6:10 P.M.

- A. Conference with Legal Counsel, Anticipated Litigation, Significant Exposure to Litigation, Government Code section 54956.9(b), One Case, regarding claim of Schoening et al. re: Marburger Road.
- B. Conference with Labor Negotiator, Jack Crist, pursuant to Government Code Section No. 54957.6: MMCEA and AFSCME
- C. Conference with Legal Counsel, Existing Litigation, GC section 54956.9(a), one case: Howard vs. City of Belmont
- D. Conference with Real Property Negotiator, Jack Crist, pursuant to G.C. Section 54956.8: 4 parcels, APN 045-182-050, 045-182-060, 045-182-180 and 045-182-190, concerning price and terms of payment

Attended by Councilmembers Dickenson, Feierbach, Mathewson, Warden, City Manager Crist, City Attorney Zafferano, Human Resources Director Sam, Public Works Director Davis, Community Development Director de Melo, Police Chief Mattei, and Labor Negotiator Fran Buchanan. Councilmember Lieberman was absent and City Clerk Cook was excused from attending.

ADJOURNMENT at this time, being 7:30 P.M.

Terri Cook

City Clerk

This meeting not tape recorded or videotaped.

REGULAR MEETING

CALL TO ORDER 7:40 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Dickenson, Lieberman (arr. via phone, 8:10 P.M.), Feierbach, Warden, Mathewson

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Police Chief Mattei, Finance Director Fil, Public Works Director Davis, Co-Interim Parks and Recreation Director Ourtiague, City Clerk Cook.

Mayor Feierbach announced that Councilmember Lieberman would be joining the meeting late, via teleconference.

REPORT FROM CLOSED SESSION

City Attorney Zafferano reported that direction had been given but no action taken during the closed sessions held earlier.

SPECIAL PRESENTATIONS

Proclamation Declaring Long-Term Care Residents' Rights Week

Mayor Feierbach read the proclamation.

Nicki Manske, Ombudsman Services of San Mateo County, Inc., described the long-term care facilities available in Belmont. She noted that quality of life is a primary consideration for residents in these facilities.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Christine Wozniak, Belmont resident, stated that she received an email regarding the Sports Complex. She noted that this City-owned property had been removed from consideration for economic development some months prior. She stated that if the City is serious about sports it should place an initiative on the ballot to require the voters to have a say in the disposition of any parks or to change the use of any existing parks.

Mayor Feierbach clarified that this property had been taken off the economic development sites list, but she noted that a future City Council could change the use of park properties.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Feierbach announced that the Save the Music Festival, co-sponsored by the Belmont Chamber of Commerce and School Force, would be held on October 14 at Twin Pines Park.

AGENDA AMENDMENTS

Mayor Feierbach noted that Councilmember Lieberman requested that the smoking ordinance (Item 4-B on Consent) be removed for separate consideration, and that this item wait until he is able to teleconference into the meeting.

CONSENT CALENDAR

Approval of Minutes of Special and Regular Meeting of September 11, 2007, and Special Meeting of September 15, 2007 (Bus Tour)

Approval of Resolution 9928 Approving Development and Implementation of the State Sewer System Management Plan (SSMP) as Part of the General Waste Discharge Requirements (GWDR) for Collection Systems

Approval of Resolution 9929 Authorizing the City of Belmont to be Exempt from Belmont Municipal Code, Article VIII - Noise Control Ordinance for the Emmett House Relocation Project, City Contract Number 478

Approval of Resolution 9930 Amending the Budget for the FY 2008 Sewer and Storm Capital Improvement Program Funds

Approval of Resolution 9931 Authorizing New Classification and Salary Range for Street Sweeper Operator Position

Approval of Resolution 9932 Authorizing Reclassification of Finance Administrative Assistant to Management Analyst I/II and Proposed New Salary Range

Approval of Resolution 9933 Approving the Application for Grant Funds from the California Trails and Greenways Foundation for Open Space Trail System Improvement Projects

Approval of Resolution 9934 Recognizing the Participation of the City of Belmont in the San Mateo County Subregion for the Regional Housing Needs Allocation Process and Acceptance of the Assigned Housing Share for the City of Belmont

Approval of Resolution 9935 Approving Plans and Specifications, Authorizing Advertisement for Sealed Bids, Approving Award of Contract to the Lowest Responsible Bidder for an Amount not to Exceed \$75,000, Approving a Construction Contingency not to Exceed \$7,500, Authorizing a Supplemental Appropriation to the Fiscal Year 2008 Budget, and Authorizing the Executive Director to Execute a Contract for the Penthouse Removal, Repair to the Structure and Roof for the Manor House Restoration Project, City Contract Number 483

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Mathewson, the Consent Calendar was unanimously approved as amended by a show of hands (4-0, Lieberman absent).

OLD BUSINESS

Discussion and Direction on General Plan Update Work Program

Community Development Director de Melo stated that a long-term strategy is important when updating a General Plan. The focus on Belmont's General Plan update is to create a village center atmosphere, to update the Downtown Specific Plan, and to create clear development standards. Work is already under way in establishing and implementing residential design guidelines, and guidelines are also needed for commercial development. He also noted that there is a need for a downtown parking plan.

Mayor Feierbach stated that green issues should be a component of the new General Plan. She also recommended that a cross-section of the citizenry should be involved in the update.

Councilmember Mathewson stated that roads should be addressed under infrastructure, not just traffic circulation.

Councilmember Dickenson recommended that LEEDS standards (Leadership in Energy and Environmental Design) should be incorporated into the update.

Councilmember Warden stated that he concurred with the structure as presented, and expressed a desire to move forward with the update.

Resolution Directing Initiation of Land Use Policy Amendments for Economic Development Target Sites and the Downtown Specific Plan

Community Development Director de Melo stated that making land use changes for three of the targeted sites for economic development will keep that program moving forward and will assist in the future development of those sites. He clarified that Council action this evening would not change the zoning, but would initiate the process.

Community Development Director de Melo noted that clarification was needed regarding the boundaries of the Downtown Specific Plan. He reviewed the next steps in the process.

Mayor Feierbach stated that the entire El Camino Real corridor should be included.

In response to Councilmember Dickenson, Community Development Director de Melo clarified that Davis Drive and Carlmont Village are not within the scope of economic development activities in the downtown. He suggested waiting for some future time to address these areas. He also clarified that this project is being funded both with Redevelopment and General Fund monies.

Councilmember Mathewson expressed interest in extending the downtown core area to include all of Old County Road.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Dickenson, Resolution 9936 Directing Initiation of Land Use Policy Amendments for Economic Development Target Sites and the Downtown Specific Plan was unanimously approved by a show of hands (4-0, Lieberman

absent); said motion to include the length of Old County Road, and the exploration of Davis Drive and the Carlmont Village area for future economic development opportunities.

RECESS: 8:10 P.M.

RECONVENE: 8:15 P.M.

(At this time, being 8:15 p.m., Councilmember Lieberman joined the meeting via teleconference.)

ITEM REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION (taken out of order)

Ordinance Regulating Secondhand Smoke and Amending the Belmont Municipal Code (second reading and adoption)

Andrew Peters, Belmont resident, stated he is proud of the City for enacting this ordinance. He noted that smoking is a privilege, not a right.

Ralph Morales, American Lung Association, stated that the Association would assist with implementing the ordinance.

Becky Hussman, on behalf of some residents at Bonnie Brae Terrace, expressed appreciation to the City Council for the time and effort on this matter. She shared a poem that was written by one of the Bonnie Brae residents.

Councilmember Lieberman stated that the ordinance as presented does not help children in single-family homes and is too heavy-handed.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Mathewson, and approved by a roll call vote (3-2, Lieberman, Dickenson no) to adopt Ordinance 1032 Regulating Secondhand Smoke and Amending the Belmont Municipal Code.

Resolution Modifying the Planning Commission's Decision to Conditionally Approve a Floor Area Exception and Single-Family Design Review at 2850 Belmont Canyon Road

Community Development Director de Melo reviewed the City Council's decision at the last meeting to overturn the Planning Commission on this matter. He noted that approval included two conditions: 1) applicant is to obtain a building permit to add a secondary egress (window) in the media room, and 2) payment of retroactive property taxes for the additional square feet. He stated that staff has discussed this matter and recommends that a fee be levied of \$750 to satisfy the second condition.

City Attorney Zafferano stated that the retroactive tax condition be replaced with a fee of \$750, which is a civil penalty, and there would be no further challenge of the decision by the applicant.

Linda Gorgolinski, Appellant, stated that these conditions are agreeable to her.

In response to Councilmember Lieberman, City Attorney Zafferano clarified that the civil penalty is recommended in lieu of trying to determine the amount of the retroactive tax. He noted that the County, not the City, is responsible for tax collection.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Warden, Resolution 9937 Modifying the Planning Commission's Decision to Conditionally Approve a Floor Area Exception and Single-Family Design Review at 2850 Belmont Canyon Road, was approved, as modified, by a roll call vote of 3-2 (Mathewson, Lieberman no).

NEW BUSINESS

Discussion and Direction on the Green Vehicle Initiative

Public Works Director Davis stated that hybrid vehicles are not the only vehicles that reduce emissions. California's emissions standards are higher than the federal government's. He reviewed the differences between partial zero and zero emission vehicles. He stated that Council would need to determine whether to provide cash payments or vouchers for services.

Councilmember Warden stated that his desire was to reduce the carbon footprint and emissions, not to increase miles-per-gallon.

Councilmember Dickenson noted that this program may provide incentives for using public transportation.

Public Works Director Davis noted that previous studies showed that a City-sponsored shuttle would not be cost effective.

Councilmember Warden noted that public transportation is not always an option to people as some are not able to get to public transportation.

Discussion ensued. Council concurred that the goal of this program should reduce the carbon footprint and that it would not be retroactive, but for new purchases only, once the program becomes effective.

Discussion ensued regarding vouchers.

Councilmember Warden expressed support for a \$500 voucher to be redeemed for any City service as a way to promote services. He noted that not all vouchers would be redeemed. He suggested a one-year trial for this program.

Councilmember Lieberman expressed support for the use of vouchers for park and recreation purposes, but not for building permits. He noted that vehicles which are able to use the carpool lane for free may drive the list of those vehicles eligible for a voucher.

Councilmember Mathewson expressed support for a \$250 voucher, but expressed concern regarding the impact on the General Fund.

Councilmember Dickenson expressed support for a \$250 voucher for use on all City services. He noted that it may discourage illegal building if people can use the voucher for permits.

Mayor Feierbach concurred, and noted she would support vouchers for all City services. It complements the good permit process already in place.

Discussion ensued regarding the total amount available for vouchers, and Council concurred to set a maximum of \$5,000 for one year.

Andrew Peters, Belmont resident, stated that he agreed with Councilmember Lieberman regarding limitations on the use of vouchers for Park and Recreation services only.

Discussion and Direction Regarding Sewer Rate Setting Methodology

Finance Director Fil stated that there was a desire to review the methodology for setting sewer rates following the recent Proposition 218 hearing process. He noted that the current methodology of flow-based rates was changed from a flat rate several years ago as a way to achieve equity among ratepayers. The issue now is unpredictability of flow. In addition, it is also difficult to get the data from the water district in sufficient time to meet the public hearing and tax roll timelines.

Finance Director Fil noted that fixed rate and volumetric rates were explored. He outlined the options, and noted the pros and cons of each methodology. There is a need for differentiation based on property type and classification, such as restaurant or office. He noted that 70 to 80 percent of costs are fixed. He reviewed projected revenue trends based on different methodologies. High-use customers have made conservation efforts, which could result in higher rates for other users in order to meet the revenue needs. He noted there is some controversy in any option chosen.

Finance Director Fil recommended using prior year data, which will allow sufficient time to meet all deadlines, and the use of the tax roll guarantees payment.

Mayor Feierbach noted that the change from flat rate fees was made in 2000, and is based on winter flows. She expressed concern that changes in weather patterns may cause winter water use to increase.

Councilmember Warden expressed concern regarding the potential for rate increases in future years. Customers do not see the administrative costs or the infrastructure needs. The City should be providing information on the cost to provide the service. High-end customers are paying a disproportionate

amount for infrastructure needs elsewhere in the system. All customers should pay their fair share for these improvements. He suggested a setting a minimum fixed cost fee for infrastructure. This issue will require ongoing discussion, as there is a potential for increases exceeding 20 percent next year. He noted that SBSA's (South Bayside System Authority's) capital project could add to that increase.

Discussion ensued. Council concurred to use prior-year data for future sewer rate calculations.

Finance Director Fil noted that there may be a need to raise the minimum rate for all users. He also noted that the new pump stations are designed for maximum flow.

Jason Born, Belmont resident, stated that the City Council should have raised the rates earlier this year. He noted that rate payers need better information regarding the charges. If the use of the system is higher, those rate payers should pay more.

Councilmember Warden responded that even a small increase this year would have required the Council to pass an urgency ordinance, for which the findings could not be met. The issue is the timing for the tax roll.

Councilmember Lieberman concurred that better communication with ratepayers is important. He concurs with the subcommittee's recommendations.

Councilmember Mathewson stated that the treatment plant is beyond its useful life. He concurs that more education needs to take place for ratepayers. He recommended setting the minimum rate based on fixed costs and flow volume.

Mayor Feierbach noted that people will conserve if they know that their sewer rate is based on flow volume, which could result in lower revenues.

Finance Director Fil stated that customers need to provide the revenue necessary to provide service. The rate-setting methodology determines who pays and at what level. Using prior year data will assist. Reserves have helped, as they have been used in the current year.

Councilmember Warden noted that revisions can also be made in capital projects in order to accommodate revenue adjustments.

Council concurred to utilize prior year data, to improve the Proposition 218 noticing provisions, and to determine a minimum rate at a future time. A future study session will be scheduled regarding this matter.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

The future planning of the median strip on Ralston Avenue between Alameda and Cipriani (Feierbach)

Mayor Feierbach stated that the Council had recently received communications regarding the need to make improvements to the median strip on Ralston Avenue.

City Manager Crist noted that water to the median has been established, and improvements in the landscaping are forthcoming, probably in the spring.

ADJOURNMENT at this time, being 9:45 p.m.

Terri Cook

City Clerk